HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench : Hon'ble Shri S.R. NAYAK, CJ

M.C.C. No.267 of 2006

PETITIONER — Bal Ashram A society registered and incorporated under Society Registrikaran Adhiniyam, 1973, having at Kutchery Chowk, Raipur, Represented through the Secretary, Shantilal Parekh, Son of Late M.L. Parekh, Resident of Kutchery Chowk, Bal Ashram Campus, Raipur (C.G)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Firms and Societies, Mantralaya, D.K.S. Bhawan, Raipur (C.G)
2. The Registrar, Firms and Societies, 'O' – 5, Anupam Nagar, Raipur(C.G.)
3. The Assistant Registrar, Firms and Societies, 'O'-5, Anumpam nagar, Raipur (C.G.)

Present: Shri Kishore Bhaduri, learned counsel for the petitioner.

Shri Yashwant Singh, learned G.A., for the State/respondent.

ORDER

(Passed on 20th July, 2006)

To keep the record straight I am constrained to observe that the statement made by the learned counsel for the petitioner before the Apex Court that the High Court while passing the order "has omitted certain factual aspects", is factually incorrect. Even in the course of hearing of this review petition, the Court pointedly asked the learned counsel for the petitioner as to which are the factual aspects which were omitted by the Court while passing the order, learned counsel was answerless. The order sought to be reviewed was dictated in the open Court in the presence of the learned counsel for the petitioner.

(2) Be that as it may, the order is sought to be reviewed on the ground that the lease of the land by the Government granted originally in favour of Balkishan Nathani who donated the same to the petitioner-Society could not be regarded as "grant of land" within the meaning of that term in terms of the

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Government Grants Act, 1895. There is no need to decide this question for the purpose of deciding the lis brought before the Court in the present writ petition. What falls for decision-making, as already pointed out in the order sought to be reviewed, is whether the petitioner-Society could be regarded as "State aided society" in terms of Clause (f) of Section 3 of the Chhattisgarh Society Registrikaran Adhiniyam, 1973 (for short 'the Adhiniyam'). There is no need for me to state or refer to what is already stated in the order sought to be reviewed in elaboration. Assuming that the lease obtained by Balkishan Nathani and renewal of the same land subsequently by the petitioner-Society cannot be regarded as a "grant" within the meaning of the Government Grants Act, 1895, even then, that itself would not come to the aid of the petitioner to contend that the petitioner-Society is not a "State aided society". Any society which has received aid, grant or loan or has received land or building or both on concessional rates and other facilities from the Central Government or State Government or any statutory body would be a "State aided society". In other words, the land received by the petitioner-Society or its donor need not be a land received only through under the provisions of the Government Grants Act, 1895. Since the donor and the petitioner-Society have admittedly received Government land free of cost, that would satisfy the definition of "State aided society" as defined under Clause (f) of Section 3 of the Adhiniyam. Looking from any angle, there is absolutely no ground made out to review the order. The review petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Brajesh